

House File 775 - Introduced

HOUSE FILE 775
BY COMMITTEE ON JUDICIARY

(SUCCESSOR TO HF 78)

A BILL FOR

1 An Act concerning unauthorized entry or access, including
2 unauthorized electronic or mechanical recording,
3 unauthorized gathering of samples of certain materials
4 relating to animals and animal feeding operations, and
5 providing penalties.
6 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. NEW SECTION. 716.14 Unauthorized sampling.

2 1. As used in this section, unless the context otherwise
3 requires:

4 *a. "Agricultural animal"* means an animal belonging to
5 the bovine, caprine, equine, ovine, or porcine species; farm
6 deer as defined in section 170.1; ostriches, rheas, and emus;
7 turkeys, chickens, domestic geese or ducks, or other domestic
8 fowl; fish or other aquatic organisms confined in private
9 waters for human consumption; or honey bees.

10 *b. "Agricultural crop"* means a plant produced for food,
11 animal feed, fiber, oil, or fuel if the plant is classified as
12 a forage or cereal plant, including but not limited to alfalfa,
13 barley, buckwheat, corn, flax, forage, hemp as defined in
14 section 204.2, millet, oats, popcorn, rye, sorghum, soybeans,
15 sunflowers, wheat, and grasses used for forage or silage. A
16 plant which is a noxious weed pursuant to section 317.1A shall
17 not be considered not an agricultural crop unless the plant is
18 produced as a research crop.

19 *c. (1) "Convicted"* means the entry of a judgment of
20 conviction under chapter 901 or adjudicated delinquent for an
21 act which is an indictable offense in this state or in another
22 state under chapter 232.

23 *(2) "Convicted"* does not mean a plea, sentence,
24 adjudication, deferred sentence, or deferred judgment which has
25 been reversed or otherwise set aside.

26 2. A person commits unauthorized sampling, if the person
27 knowingly enters private property, without consent of the owner
28 or any other person having real or apparent authority to grant
29 consent, and obtains samples of any of the following:

30 *a. Bodily fluids or substances from an agricultural animal.*

31 *b. Any product from an agricultural animal.*

32 *c. Soil, air, surface water, or ground water from land or*
33 *structures used for the production of an agricultural animal or*
34 *the production of an agricultural crop.*

35 3. A person who commits unauthorized sampling as provided in

1 subsection 2 is guilty of an aggravated misdemeanor.

2 4. Notwithstanding subsection 3, a person who commits
3 unauthorized sampling as provided in subsection 2 is guilty of
4 a class "D" felony if the person has previously been convicted
5 of committing unauthorized sampling under subsection 2.

6 Sec. 2. Section 727.8, Code 2021, is amended by adding the
7 following new subsection:

8 NEW SUBSECTION. 2A. Any person, having no right or
9 authority to do so, who places or uses a camera or electronic
10 surveillance device that records images or data while the
11 device is on the private property of another person commits
12 an aggravated misdemeanor for a first offense and a class "D"
13 felony for a second or subsequent offense.

14 EXPLANATION

15 The inclusion of this explanation does not constitute agreement with
16 the explanation's substance by the members of the general assembly.

17 This bill provides that a person who commits unauthorized
18 sampling is guilty of an aggravated misdemeanor, or a class
19 "D" felony if the person has previously been convicted
20 of committing unauthorized sampling. A person commits
21 unauthorized sampling if the person knowingly enters private
22 property, without consent of the owner or any other person
23 having real or apparent authority to grant consent, and obtains
24 samples of any materials specified in the bill. The materials
25 are bodily fluids or substances from an agricultural animal as
26 defined in the bill; any product from an agricultural animal;
27 and soil, air, surface water, or ground water from land or
28 structures used for the production of an agricultural animal or
29 the production of an agricultural crop as defined in the bill.

30 The bill also provides that any person, having no right or
31 authority to do so, who places or uses a camera or electronic
32 surveillance device that records images or data while the
33 device is on the private property of another person commits
34 an aggravated misdemeanor for a first offense and a class "D"
35 felony for a second or subsequent offense.

1 An aggravated misdemeanor is punishable by confinement for
2 no more than two years and a fine of at least \$855 but not more
3 than \$8,540.

4 A class "D" felony is punishable by confinement for no more
5 than five years and a fine of at least \$1,025 but not more than
6 \$10,245.